

EXCEPTION

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BEFORE THE ARIZONA CORPORATION COMMISSION

2004 JAN -6 A 8:27

KEVIN GREIF,

AZ CORP COMMISSION DOCKET NO: W-03263A-00-0470
DOCUMENT CONTROL

COMPLAINANT,

vs.

DIAMOND VALLEY WATER USERS

Arizona Corporation Commission EXCEPTIONS

DOCKETED

CORPORATION,

JAN - 6 2004

RESPONDENT

DOCKETED BY

[Signature]

Decision No. 63547 (April 4, 2001) authorized the Commission's Staff "to take all lawful action necessary, including court action, to engage a qualified management entity to operate, manage and maintain Diamond Valley Water User's Corporation in order to bring the utility into full compliance with Arizona law, the Commission's Rules and the Commission's Orders."

On April 28, 2003 the Diamond Valley Water User's Corporation was administratively dissolved for failure to make required filing with the Arizona Corporation Commission. This occurred more than two years after the Commissioners Staff was authorized to bring the Corporation into full compliance.

The Commissioners Staff response dated December 8, 2003 states that Bradshaw Management Corporation ("Bradshaw") is not responsible for filing documents, such as Annual Reports, required by the Corporation Division under Title 10 of the Arizona Revised Statutes. If Corporation filings are not the responsibility of Bradshaw then Commission's Staff remains responsible.

The Commission's Staff has failed to comply with Decision No. 63547. Diamond Valley Water User's Corporation has not been in compliance with Arizona law, the Commission's Rules or the Commission's Orders at any time since the Decision was issued.

The Opinion and Order by Administrative Law Judge Marc E. Stern should, in addition to the proposed Orders, require that the Commission's Staff bring Diamond Valley Water User's Corporation into full compliance with Arizona law, the Commission's Rules and the Commission's Orders as required by Decision No. 63547.

The Commission's staff should reinstate the Corporation in a process that enables the "members class" (water users) to participate in the management and administration of this Corporation.

Dated this 1st day of January, 2004

By: Kevin Greif
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